

Remarks/Arguments:

Claims 1-7 and 9-21 remain pending in the application.

Claims 2 and 7 are hereby canceled. Claim 8 was previously canceled.

Claims 1, 3, 6, 9, 11, 13-15, 18 and 20-21 are hereby amended.

1. Claims 14-21 were rejected under 35 USC 112, second paragraph. Claim 14 is amended to clarify the recitation of “multi-directional heat source.” The examiner stated that this term was “interpreted as reading on a convection oven.” In fact, the opposite was intended by the terms. Applicant has amended the claim (and certain of the other claims, as applicable) to further clarify that the heat source largely radiates heat to/at Applicant’s system, for example, as in a conventional oven, direct flame or the like (rather than a “convection oven”). Heating via conventional oven, direct flame and the like is primarily effected by radiative heat (rather than conductive or convective heat; although there can be certain ancillary resulting components of convective or conductive heating that is effected also with these types of heat sources but not predominating in effecting heating). Convective or conductive heating is not, and is not intended as, a major/primary source of heat for performing Applicant’s claimed methods; rather, radiative heating predominates (such as when using conventional oven, direct flame, or similar sources) and is the focus heat source for Applicant’s claimed methods. The terms questioned by the examiner were intended to identify substantially radiative heating from the heat source for Applicant’s claimed method. Applicant’s amended claims now further clarify that Applicant’s claimed methods are performed substantially by directing radiative heat from sources in proximity to shells/containers for food, and that cooking of

food within the shells/containers is substantially convective. This particular cooking, via and because of Applicant's claimed methods and systems, is patentably unique.

Claims 20-21 are amended as proposed by the examiner.

2. Claims 14-17 and 20-21 were rejected under 35 USC 102(b) as anticipated by Lampi. Lampi discloses only a "shell" that includes cornered top and bottom. Although the examiner contends that Lampi must allow "heated gas within the shell inherently circulating", the cornered top and bottom of the Lampi "shell" does not facilitate circulation of gas. Rather, such corner formations limit thorough circulation of gas within the cooking vessel (for example, gas in the vicinity of the corners remains substantially within the corners, in accordance with generally known and understood gas and heating properties; these properties are a reason that desirable oven cooking must generally be performed at low heats and with long cooking times). Even if it is presumed that Lampi's pan and lid arguably have curvilinear portions, there is not any substantially continuous curvilinearity exhibited by Lampi because of the portions that are clearly formed as defined angled corners.

Applicant's amended claims 14 and 15, and consequently claims 20 and 21, expressly provide that Applicant's claimed methods employ a shell that encourages and facilitates gas to circulate within the shell. This effects heating of food contents in the shell by "substantially convective heating" within the shell, even where predominantly radiative heat is directed to the shell. Lampi can not so operate to heat food contents because of corners that result in uneven circulative heating within the pan/lid. Claim 15, moreover, specifically identifies that Applicant's shell is formed by a pan and top that are

each “substantially continuously curvilinear”. Of course, Lampi is not of this form, because it has tight corners and, thus, inherent design problems, which are only overcome by Applicant’s claimed inventions for Applicant’s particular type of unique cooking.

Because of the substantially convective heating within the shell per Applicant’s claimed method, Applicant’s cooked food product of the method is patentably unique to Applicant.

3. Claims 14-17 and 20-21 were rejected under 35 USC 102(b) as anticipated by Toole. The method of Toole involves convection heating only because of the convection/microwave oven identified as the heat source outside the container. Toole does not provide for any primarily radiative heat source directed to a container. Applicant’s amended claims clarify that radiatively directed heat is primarily/predominantly employed outside the shell, and that convective heating within the shell is primarily/predominantly effected to heat the food.

4. Claims 18-19 were rejected under 35 USC 103(a) as unpatentable over Lampi. The claims are dependent from amended claims 14 and 15, which are patentably distinguished as discussed above in number 2.

5. Claims 18-19 were rejected under 35 USC 103(a) as unpatentable over Toole. The claims are dependent from amended claims 14 and 15, which are patentably distinguished as discussed above in numbers 2 and 3.

6. Claims 1-4, 607 and 9-10 were rejected under 35 USC 103(a) as unpatentable over Cheng in view of Leck. The particular thickness taught by Leck is inaccurately stated in the office action. Thickness of the Leck pan includes an aluminum thickness

and a finish thickness. The range purported in the office action is merely that for aluminum material of the Leck device; the Leck device also has coating thickness of the finish applied to the aluminum material. Leck expressly describes a pan that is aluminum material plus layered coatings to the aluminum material. Leck coats the aluminum material of the pan with heat transfer release finish (the finish is the focus of Leck). At least three layers of finish material are added on the aluminum material (e.g., col. 11, line 33 – col. 12, line 35; “repetition” of the coating procedure, etc.). These layers of the release finish each add to actual/total thickness of the Leck pan. Thus, the Leck pan has greater thickness than was purported in the office action and is distinguishable because of the actual/total thickness.

In any event and notwithstanding that Leck provides for total thickness (i.e., pan material plus layered finish) that is greater than that purported in the office action, Applicant’s amended claims state thickness ranges and shapes/forms thereof as limiting structure, feature, function, and use that are patentably distinct grounds. Applicant’s amended claims, for example, expressly recite uniquely formed/shaped very thin elements to which are directed substantially radiative heating, but that effect substantially convective heating of contents. Applicant’s claimed thin thickness of material, together with continuously curvilinear shapes of material, are not taught or suggested by the recited combination.

7. Claim 5 was rejected under 35 USC 103(a) as unpatentable over Cheng in view of Leck in view of Andersen. Claim 5 depends from amended independent claim 1 discussed in the foregoing.

8. Claims 11-13 were rejected under 35 USC 103(a) as unpatentable over Rae in view of Kircher and Kuhn. Kircher includes dual slits for engaging respective forks therein in order to lift the pot/internal pan. Kuhn is cited in the combination as teaching a “tine rib” engageable by a lifter device. The tine rib is more particularly described in Kuhn as being a projecting knob formed within a lid cavity. Kuhn at col. 2, lines 49-52 describes that a rib or projection serves as a “stop, bearing, or fulcrum” for the lifter. The combination does not teach or suggest that a forked implement can engage with any feature for laterally, vertically and rotationally moving the feature affixed to a top.

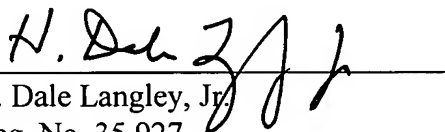
Applicant’s amended claims expressly provide that a forked implement is engageable with the claimed strip and tine rib to move the strip affixed to the top in a lateral, vertical and/or rotational manner by manipulating the forked implement.

Reconsideration and withdrawal of the rejections, and prompt allowance, is respectfully requested.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

Date: May 15, 2006

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